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03500.015590

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: )  
NORIAKI MATSUI ) : Examiner: Cheukfan Lee  
Application No.: 09/909,877 ) : Group Art Unit: 2622  
Filed: July 23, 2001 ) :  
For: IMAGE READING APPARATUS ) :  
Patent No.: US 6,963,430 B2 ) : January 9, 2006  
Issued: November 8, 2005 ) : (Monday)

**Mail Stop Patent Ext.**  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

REQUEST FOR RECONSIDERATION OF  
PATENT TERM ADJUSTMENT UNDER 37 CFR 1.705(d)

Sir:

Patentees hereby request under 37 CFR 1.705(d) reconsideration and  
recalculation of the Patent Term Adjustment (PTA) for the above-identified patent. Submitted  
herewith is a check for \$200.00 for the fee set forth in 37 CFR 1.18(e). Any deficiency in this fee  
may be charged or any overpayment credited to Deposit Account No. 06-1205.

For the following reasons, this patent is believed to be entitled to a PTA of 878  
days.

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## FACTS

1. The present patent issued from patent Application No. 09/909,877 (the ‘877 application) filed on July 23, 2001.
2. The present patent is not subject to any terminal disclaimers.
3. The Patent Application Information Retrieval (PAIR) system indicates an Applicant-delay period of 91 days and a PTO-delay period of 878 days. The period of PTA assessed for the ‘877 application is 787 days.
4. On August 10, 2005, Applicant paid the Issue and Publication Fees and filed a Letter, commenting on the Examiner’s statement of reasons for allowance. It is presumed that the Letter is listed in the PAIR system as the “Miscellaneous Incoming Letter” dated August 10, 2005. The patent was assessed a reduction of period of adjustment of the patent term of 91 days for this Miscellaneous Incoming Letter.

## ARGUMENTS

1. The PTO incorrectly treated the Letter as an “other paper” under 37 CFR 1.704(c)(10), and wrongly assessed 91 days of Applicant delay.
2. As discussed in MPEP § 2732 and the OG Notice “Clarification of 37 CFR 1.704(c)(10) - Reduction of Patent Term Adjustment for Certain Types of Papers Filed After a Notice of Allowance Has Been Mailed” dated June 26, 2001, only certain submissions will be considered a failure to engage in reasonable efforts to conclude processing after sending a Notice of Allowance. Among those submissions listed as not considered to be a failure to engage in

reasonable efforts to conclude such processing is "(6) a response to the Examiner's reasons for allowance."

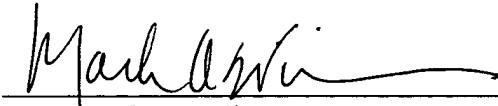
3. Therefore, the Letter should not cause any reduction in PTA and there should be zero (0) days of Applicant's delay.

RELIEF REQUESTED

Reconsideration of the patent term adjustment is respectfully requested, in which the Applicant-delay period of 91 days be reduced to zero (0) days. It is requested that the patent term adjustment be recalculated as 878 days.

Applicant's undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 530-1010. All correspondence should continue to be directed to our below-listed address.

Respectfully submitted,

  
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